

Members

Rep. Vernon Smith, Chairperson
Rep. Linda Lawson
Rep. Carolene Mays
Rep. John Ulmer
Rep. Ralph Foley
Rep. Andrew Thomas
Sen. David Long, Vice-Chairman
Sen. Richard Bray
Sen. R. Michael Young
Sen. Anita Bowser
Sen. John Broden
Sen. Timothy Lanane



INTERIM STUDY COMMITTEE ON JUVENILE LAW AND CORRECTIONS ISSUES

Legislative Services Agency
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Committee
Andrew Roesener, Attorney for the Committee
K.C. Norwalk, Attorney for the Committee

Authority: Legislative Council Resolution 03-01

MEETING MINUTES¹

Meeting Date: September 24, 2003
Meeting Time: 10:00 A.M.
Meeting Place: Westville Correctional Facility,
Conference Room
Meeting City: Westville, Indiana
Meeting Number: 3

Members Present: Rep. Vernon Smith, Chairperson; Rep. Ralph Foley; Rep. Andrew Thomas; Sen. David Long, Vice-Chairman; Sen. John Broden.

Members Absent: Rep. Linda Lawson; Rep. Carolene Mays; Rep. John Ulmer; Sen. Richard Bray; Sen. R. Michael Young; Sen. Anita Bowser; Sen. Timothy Lanane.

Rep. Smith called the meeting of the Interim Study Committee on Juvenile Law and Corrections Issues to order at 10:45 a.m.

Review of Minutes of Past Meetings

Members of the Committee who were present reviewed and approved the minutes of the previous two committee meetings held on July 9 and September 2 with no changes.

Status of Juvenile Study Commission

Rep. Long reported to the members that the Commission is functioning. He did not know whether the Commission will recommend piecemeal or wholesale changes in the law. He indicated that he was pleased that progress was occurring and he wanted to see more fiscal analysis of the proposals being discussed.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Medical Issues of Offenders

Rep. Smith told Committee members that he has received over 300 letters from offenders about the medical care that they are receiving. Exhibit A presents a summary of letters that he has recently received from offenders concerning medical problems.

Rep. Smith indicated that the following offenders were going to testify before the Committee either by telephone or video conference.

Offender Mark Gaston, Wabash Valley Correctional Facility (by video conference)

Mr. Gaston is currently assigned to Wabash Valley Correctional Facility. He was diagnosed with lymphedema. [Note: Lymphedema is an accumulation of lymphatic fluid in the interstitial tissue that causes swelling, most often in the arm(s) and/or leg(s), and occasionally in other parts of the body. Lymphedema can develop when lymphatic vessels are missing or impaired (primary), or when lymph vessels are damaged or lymph nodes removed (secondary). (Source: <http://www.lymphnet.org/whatis.html>)]

Mr. Gaston indicated that his left arm has swelled significantly and he feared that the buildup of fluids would eventually affect his heart. He indicated that surgeons had recommended that a biopsy of his lymph nodes be performed and that the Department of Correction (DOC) has refused to allow this procedure to occur.

Dean Reiger, M.D., responded that Mr. Gaston has been seen by vascular surgeons and orthopedic surgeons, and that the medical staff at the hospital have provided compression pumps and other procedures. He indicated that no records exist in his medical records that any physicians have ordered biopsies of Mr. Gaston's lymph nodes. Dr. Reiger also noted that Mr. Gaston will be seen again by a surgeon in October but does not know what the surgeon will recommend.

Rep. Thomas asked whether DOC could release Mr. Gaston at an earlier date than his earliest possible release date so he could secure his own medical treatment. Randy Koester, Deputy Commissioner for the Department of Correction indicated that offenders are required to complete their sentence before being released.

Offender Ervin Hall-Bey, Wabash Valley Correctional Facility (by video conference)

Mr. Hall-Bey told the Committee members that he is a diabetic with severely flat feet. He indicated that the examining physician had prescribed softer shoes. He told the Committee that he purchased the shoes but was not permitted by the security staff to wear the shoes because he has a history of conduct disturbances while in prison.

Dr. Reiger indicated that Mr. Hall-Bey's case illustrated two different issues related to how health care decisions are made for offenders in DOC. First, if the shoes or alternative footwear is determined by the medical staff as necessary for the offender's health or to relieve extreme pain, then DOC will purchase the article for the offender. If the shoes are desirable to relieve pain but not medically necessary, then the offender is responsible for purchasing the shoes.

Dr. Reiger also pointed out that if an item is not necessary for the offender's health, then the security staff may determine whether the item in question will cause any problems with security in the facility. In the case of Mr. Hall-Dey, the security staff denied Mr. Hall-Dey the use of the special shoes because of his history of disturbances.

Offender Kenneth Karn, Wabash Valley Correctional Facility (by video conference)

Mr. Karn told the Committee members that he has untreated pain from a series of injuries and that the Department of Correction refuses to treat this pain. Dr. Reiger indicated that Mr. Karns is being treated for arthritis, skin psoriasis, and some type of gastric problem.

Offender Riley Mosley, Indiana State Prison (by video conference)

Mr. Mosley told the Committee that he tested positive for type C hepatitis and is receiving no treatment from the Department of Correction. He also indicated that he is starting to come out of remission. He also indicated that a biopsy on his liver had been performed. Dr. Reiger indicated that he had no specific recommendation for Mr. Mosley.

Offender Donald Lock Maximum Control Facility (by telephone)

Mr. Lock told the Committee members that he has a cataract in his left eye, back pains, and arthritis. He also told the Committee members that DOC is neglecting his health because they refuse to allow surgery to remove the cataract and have not allowed him to use an egg crate mattress.

Dr. Reiger indicated that nothing exists in Mr. Lock's records to indicate that there is a need for an egg crate mattress. Concerning cataracts, Dr. Reiger stated that DOC will not treat vision problems if an offender's vision is better than 20/50.

Dean Reiger, M.D., DOC Medical Director

Dr. Reiger described the relationship between the Department of Correction and the Prison Health Service

Programs for Offenders

Marvin Allen, parolee, testified in person. His mother accompanied him to the hearing. He discussed programming for incarcerated offenders. He also advocated for a more extensive substance abuse program, faith-based programming involving the community, vocational education, and parenting/family programming. His recommendations are included in Exhibit B.

Rep. Smith told the Committee that the next meeting would be in Indianapolis and the main topic would be the DOC policy to ban tobacco in prisons.

The meeting was adjourned at 1:30 p.m.

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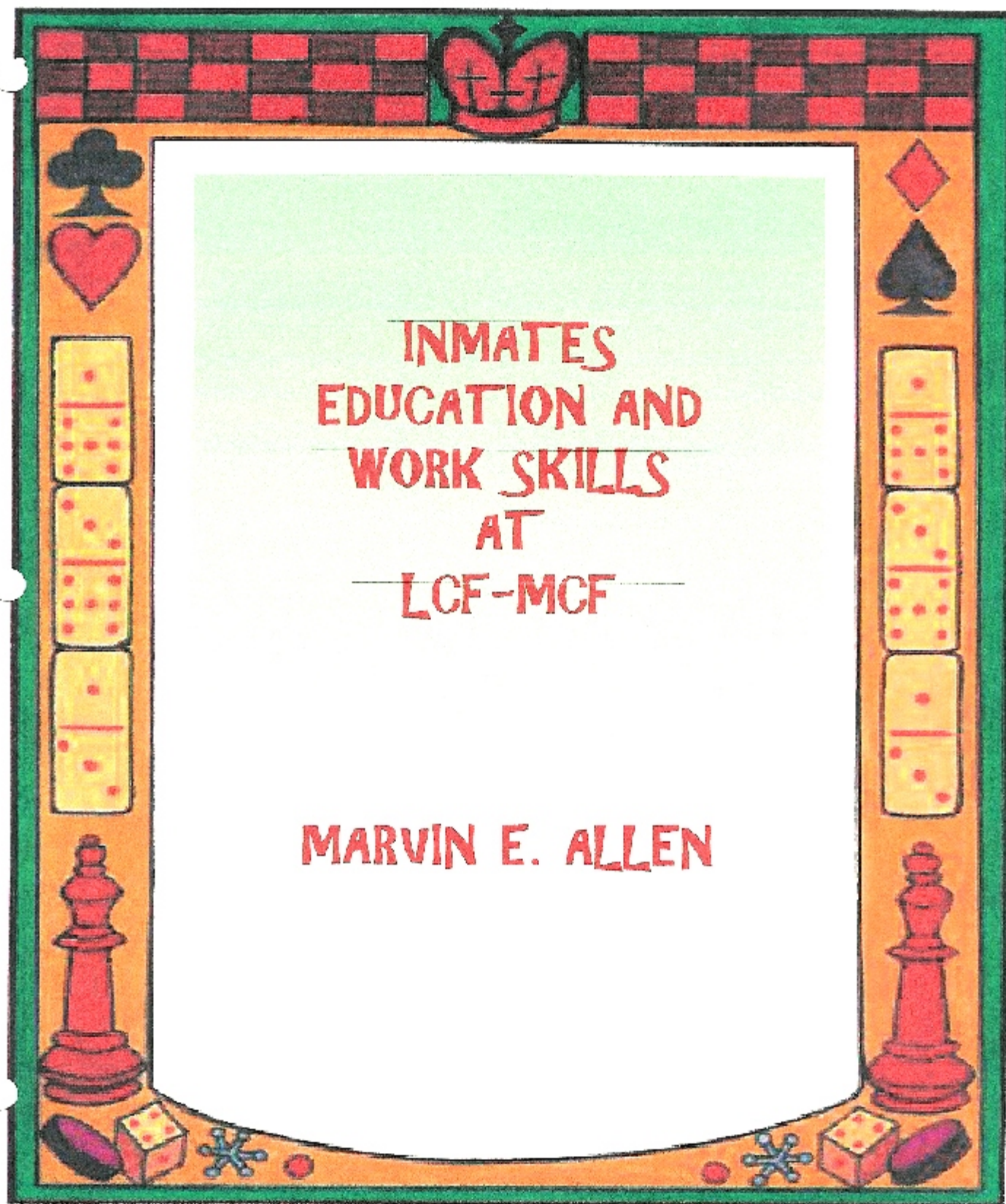
To: Members of Committee
From: Mark Goodpaster
Date: September 23, 2003
Re: Summary of Letters From Offenders

Summary of Letters Addressed to the Representative Smith Concerning Offender Medical
Conditions

Correctional Industrial Facility		
Offender's Name		Medical Condition
Ryan Hamman		injured finger
Nathaniel Brown		back spasms
Robert Huggins		high cholesterol; cataracts
Paul Reese		untreated hernia
Charles E Justice		diabetic--leg cramps
Herman Morrison		back and knee pain
James E Brock		disabled, chronic pain
Robert Radtke		infectious bumps
Philip Jessup		itchy groin, seizures
Robert Fox		bone spurs, torn mensicus
Floyd Baker		heart problems; enlarged prostate
W. Lawrence Marquez		cavernous angioma
Paul Johnson		depression, obsessive compulsive eating disorder, schizophrenia, skin problems
Doyle Wilhelm		knee injury, perspective on medical care from offender in system since 1982
Robin Montgomery		hepatitis, did not receive last in a series of boosters
Thomas O'Neill		tooth infections; hepatitis c
William Turpin		hepatitis c
Edward Risley		burst appendix
Keith Plummer		untreated hernia
John Sims		untreated hernia
Michael Stevenson		untreated hernia
David Buka		untreated hernia
Tommy Bannon		untreated hernia
Rickey Kirchner		high cholesterol, knot in neck
Albert Kizer		dental plate
Edwin Halliburton		dental plate
Joe Jones		untreated back pain
Daniel Boyer		HIV positive offender
Roy Glass		lupus

Arnaldo Garcia		hemorrhoids
Keith Black		disabled
Daniel Biggers		hepatitis c
Maurice Harris		enlarged prostate
Joseph Otte		gall bladder
Demetrius Gray		migraine headaches
Larry Wayne Ashley		broken collarbone
Andre Glenn		arm pain
Roger Lynn		bladder cancer, denture plates
W.C. Gully		skin rashes
Buddy Stapleton		infected fingernail
William Conn		undiagnosed ankle and leg swelling
Brent Merriman		persistent knee pain
David Brower		multiple sclerosis
Jack Fuller		skin problems, ear infection
Edgar Knapp		skin condition; injured knee
Russ Leonard		enlarged prostate; restless leg syndrome; glaucoma
Jerry Jones		blind, diabetic, needs labwork
Indiana State Prison		
Roosevelt Williams		quarantined because of refusal for TB skin test despite chest x-ray
Terence L. Holloway		insulin dependent diabetic, medication from psych dept.
Riley B Mosley		Hepatitis C
Aaron Israel		possible broken finger
Miami Correctional Facility		
Robert Tucker		prostate cancer
David Hensley		obesity, diabetes, osteo arthritis
Joshua Steelsmith		broken jaw, ADHD, Turrett Syndrome
Jason Jones		throat cancer
Edward L. Ellsworth		harassment
John C. Sigler		renal carcinoma metastatic to both lungs
not specified		

Robert Brown		Hepatitis C
Gregory Cushebberry		HIV
Wabash Valley		
James Heyward		extended stomach
Ervin R. Hall-Bey		needs medically necessary shoes
Kelly E. Culver		needs new artificial limb
Mark A. Gaston		lymphedema
James Heyward		significant weight loss
Michael Lluton		personal problems with cellmate
Mark Cason		Lymphedema
James Heyward		terminal illness
James Wilhelm		hernia
Westville Correctional Facility		
Charles P. Strons		sleep apnea
Jeffrey Dyknos		Chronic asthma
Richard Dobeski		Mental health care



FIRST OF ALL, I WOULD LIKE TO TAKE THIS OPPORTUNITY TO ADDRESS THIS BOARD AND ITS MEMBERS RESPECTFULLY. CHAIRMAN DR. VERNON SMITH AND THE RESIDING COMMITTEE MEMBERS, I PERSONALLY THANK YOU.

**HOW CAN I CHANGE? I NEED HONEST HELP.
HOW DO I ALLOW CHANGE TO GROW AS MY PARTNER?
WILL I MAKE A DIFFERENCE; WILL I BE ACCEPTED?**

YOUR TIME AND EARNEST EFFORT TO LISTEN TO AN EXPERIENCE, WHICH HAS BROADEN MY MORALS AND VALUES AS A CITIZEN OF THIS CITY/STATE.

MY MOST TRYING AND INTRIGUING MOMENTS WERE SPENT AS AN INCARCERATED OFFENDER AT (MCF) MIAMI CORRECTIONAL FACILITIES. AS A LEVEL-ONE MINIMUM HOUSING OFFENDER (LOWEST SECURITY-LEVEL) A PRISONER CAN RECEIVE BEFORE (WORK RELEASE).

AFTER ARRIVING AT (MCF) ON 11/21/2000 FROM (LCF) LAKESIDE CORRECTIONAL FACILITY,

MY FIRST PRECEDENCE WAS TO ESTABLISH MYSELF TOWARD OBTAINING A COLLEGE DEGREE.

HOWEVER, THIS PROCESS OF MY OWN DETERMINATION WOULD BE SEVERLY CHALLENGED, AND I ENDURED HEAVY RESISTANCE BOTH FROM BALL STATE UNIVERSITY AND (MCF).

BY EXPRESSING MY VIEWS AND OPINIONS ABOUT THE (IDOC) LOGOS - INCARCERATION, REHABILITATION, AND EDUCATION, I FELT THE INMATES AT (MCF) WERE NOT ONLY BEING DENIED THE BENEFITS OF THE DEPARTMENT, BUT ALSO THE STATE WAS FALSELY ADVERTISING ITS (MISSION STATEMENT). THIS SUGGEST TO TAXPAYERS AND LEGISLATIVE HEARING COMMITTEE THAT THIS BEHAVIOR IS ACCEPTABLE.

FORTUNATELY, PERSISTENCE PAYS OFF IN MORE WAYS THAN ONE. IN JANUARY 2001, I FINALLY STARTED MY GOAL AND WAS ABLE TO ENROLL IN COLLEGE CLASSES.

DUE TO AN INEXPERIENCED STAFF OF CUSTODY OFFICERS, ALONG WITH THE NEWNESS OF (MCF) THERE WAS NO STABILITY IN THE ADMISSIONS OF APPLYING RULES AND REGULATIONS FOR LEVEL-ONE OFFENDERS.

BECAUSE OF THE CLOSENESS OF THESE TWO FACILITIES, YET SUPPOSELY SEPARATE IN DEGREE OF SECURITY CLASSIFICATION WE OFTEN HAD TYRANT (OIC'S) WHO MENTALLY ACTED AS IF THERE WAS NO CHANGE IN SECURITY BEHAVIOR.

THE BASIS OF MY COMPLAINTS WERE NOT ABOUT FOLLOWING RULES AND REGULATIONS, IF THEY WERE I WOULD HAVE NO MERIT.

THESE ISSUES ARE ALL ABOUT INCONSISTENCIES OF (MCF), WHICH DID NOTHING, BUT OPPRESS AND HAMPER THE REAL MEASUREMENT OF CHANGE OF WHAT SOCIETY CALLS REHABILITATION.

IF THE (IDOC) AND THE (JUDICIAL SYSTEM) BY THE POWER OF THE LEGISLATURES -WHO MAKE THE LAWS, ARE REALLY DESIROUS ABOUT CHANGING THE LIVES OF MEN/WOMEN INMATES THEY WOULD TRULY EXPERIENCE ACTIVE PROGRAMS OF ASSISTANCE.

LET'S TAKE A BREAK AND REVIEW WHAT HAS BEEN EMPHASIZED BY THIS MEDIATION.

**LACKS TRUE PROGRAMS OF SPECIAL ASSISTANCE.
EXTENDED SUBSTANCE ABUSE TREATMENT FACILITIES.
FAITH BASED INITIATIVE PROGRAMS AND COMMUNITY INVOLVMENT.
ENTRY LEVEL VOCATIONAL TRADES AND SKILLS.
PARENTING OF TEENS- PARENTING FOR FATHERS AND MOTHERS-
FAMILY PARTICIPATION**

How can judicial review actively participate in allotting the treatment of the (addicted) INDIVIDUAL VS SENTENCING THE UNRESOLVED, UNTREATED CRIMINAL BEHAVIOR?

IMPLEMENTING SUCH PROGRAMS AS (EXTENDED SUBSTANCE ABUSE TREATMENT, VOCATIONAL TRADES AND SKILLS, SELF-ESTEEM, SELF-AWARENESS, SOCIAL SKILLS, FAITH BASED INITIATIVE CORE-CURRICULUM). ARE VERY MUCH NEEDED TO HELP INMATES SUCCESSFULLY REGAIN THEIR RIGHTFUL POSITION AS HUSBANDS AND WIVES.

**WE ARE ASKING THE LEGISLATIVE BODY TO REVAMP THE EDUCATIONAL DOCUMENTS TO REFLECT THESE ALTERNATIVES FOR REHABILITATION.
ALL LEVEL-ONES/LEVEL-TWO'S FACILITIES COULD BENEFIT FROM THESE PROGRAMS WITH IMMEDIATE IMPACT. THE LARGEST GROUP OF INMATES IS DISCHARGED FROM THESE LEVELS. WE ALL HAVE (SET-BACKS) IN LIFE, BUT SET BACKS DO NOT MEAN WE CAN'T COME BACK.**

HABITS ESPECIALLY (BAD ONES) ARE HARD TO REMOVE BECAUSE YOU MUST REPLACE THAT BAD HABIT WITH GOOD HABITS. RECOVERY MEANS THAT I AM REDISCOVERING MYSELF AND WILL ALLOW MYSELF TO BE STRETCHED BEYOND MY OWN BOUNDARIES IN EXPLORING THE PROCESS OF NEWNESS THAT IS FOREIGN TO ME.

MY SOUL (WILL, MIND, EMOTIONS), HAD TO BE RESHAPED OR MINISTERED TO ONLY THEN WOULD I BE SHOWED THE ERRORS, WHICH HAD BOUND AND CAGED ME FOR MANY YEARS.

BY CHOICE MY NEW PATTERN OF BEHAVIORAL LIFESTYLE WAS PROMPTED BY DAILY DENIAL OF SELF- GRATIFICATION WHICH WAS REWARDING MYSELF WRONGLY WITH DRUGS AND ALCOHOL.

I HAVE LEARNED TO GRASP THE VERY ESSENCE OF LIVING PROPERLY BY ENDURING GOOD AND BAD TIMES THAT LIFE OFTEN PRESENTS.
I CAN WILLFULLY AND WILLING FLOW FROM EXPERIENCE-TO-EXPERIENCE, WITH
ENDURED TRIALS/TRIBULATIONS WITHOUT SUBSTITUTING A REPLACEMENT FOR LIFE'S ADVERSITIES.

FINALLY, I HOPE YOU HAVE RECEIVED THE (ROOTED-ELEMENTS) WHICH INFLUENCES PEOPLE TO CHOOSE BAD-DECISION-MAKING. YET, FACED WITH THE PRESSURES OF SURVIVAL WE FIND THE STREETS ARE A COMFORT FOR THE COMFORTLESS AND WE CAST OUR HOPE OUT OF DESPARATE TIMES TO ESCAPE THE RESPONSIBILITY AND ACCOUNTABILITY OF MANHOOD/WOMENHOOD.

HOWEVER, MANY OF US DRAW OUR ATTENTION TO LAUNCHING INTO A BETTER-SUITED LIFESTYLE.

THANK YOU,
MARVIN E. ALLEN

